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Remarks

Reconsideration of the application and allowance of all claims pending are respectfully requested. Claims 1, 3-4, and 6-8 remain pending.

Follow Up From Response to Previous Office Action:

As a follow up to the agreements reached in the Interview of March 4, 2004 in connection with the Response to the previous Office Action, the Examiner did telephone applicant's attorney to provide an indication of the determination by the Examiner that the claims were no longer considered allowable and would be rejected in the current Office Action over the art now of record. The courtesy afforded applicant's attorney is gratefully acknowledged.

Claim Rejections - 35 U.S.C. §103:

Claims 1, 3-4, and 6-8 are rejected under U.S.C. §103(a) as being unpatentable over Dunphy, et al. (U.S. Patent No. 5,638,509; "Dunphy") and Shaath (U.S. Patent No. 6,370,545) in view of "Tristrata Delivers Secure Information Management System 2.0" ("Tristrata"), in view of "Basic Software Algorithms" by Samsung Electronics ("Samsung"), and further in view of *How OLE and COM Solve the Problems of Component Software Design* by Brockschmidt, Kraig ("Kraig"). These rejections are respectfully, but most strenuously, traversed.

Applicant respectfully submits that the Office Action's citations to the applied references, with or without combination, assuming, *arguendo*, that the combination of the Office Action's citations to the applied references is proper, do not teach or suggest one or more elements of the claimed invention, as further discussed below.

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For explanatory purposes, applicant discusses herein one or more differences between the applied references and the claimed invention with reference to one or more parts of the applied references. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied references correspond to the claimed invention.

Applicant respectfully submits that the Office Action's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Office Action's citations to the applied references fails to teach or suggest, for example, connecting the database to the existing operating system and to the existing file management software on the computer system, wherein the existing file management software is native to the existing operating system, as recited in applicant's independent claim 1.

Dunphy (column 1, lines 52-67) discloses a data storage and protection system for a computer system:

> The above-described problems are solved and a technical advance achieved in the field by the data storage and protection apparatus of the present invention which maintains an index of all data file activity on a computer system and stores copies of data files in a manner to enable a user to recreate the state of the computer system at any selected point in time. The data storage and protection apparatus interposes data file monitor software between the file system and application programs resident on the computer system to intercept all communication therebetween. The monitor software extracts data file status and activity information from the intercepted communications and uses this data to maintain an event log that indicates a history of all data file activity on the computer system. The communications are then forwarded unmodified by the monitor software to their originally intended destination.

Dunphy (column 2, lines 57-60; FIG. 2) further discloses a main menu screen for the data storage and protection system:

> FIG. 2 illustrates a typical main menu screen that is presented to the user by the data storage and protection system;...

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Dunphy (column 2, lines 57-60; FIG. 2) further discloses a main menu screen for the data storage and protection system:

> FIG. 2 illustrates a typical main menu screen that is presented to the user by the data storage and protection system;...

FIG. 2 of Dunphy discloses the main menu screen with an exit ("EXIT") button and window-adjusting buttons (for minimize, maximize, move, and exit functions; depicted as the upper left-hand horizontal bar and the upper –right-hand arrow). The buttons show the main menu screen is for a computer application (i.e., the data storage and protection system) that runs on an operating system. Having the disclosed buttons, the main menu screen is part of the data storage and protection system, but not part of the operating system. The data storage and protection system, by having the main menu screen with the disclosed buttons, is not part of, and therefore not native to, the operating system. The Office Action's citation to Dunphy fails to disclose that the data storage and protection system is native to the computer system. Simply missing from the Office Action's citation to Dunphy is any mention of connecting the database to the existing operating system and to the existing file management software on the computer system, wherein the existing file management software is native to the existing operating system.

So, the Office Action's citation to Dunphy fails to satisfy at least one of applicant's claim limitations.

The shortcomings of the Office Action's citation to Dunphy relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citation to Dunphy with a citation to Shaath. However, the Office Action's citation to Shaath does not overcome the deficiency of the Office Action's citation to Dunphy. Applicant respectfully submits that the proposed combination of the Office Action's citation to Dunphy with the Office Action's citation to Shaath fails to provide the

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required approach, assuming, *arguendo*, that the combination of the Office Action's citation

to Dunphy with the Office Action's citation to Shaath is proper.

Shaath (column 3, lines 19-32) discloses accessing a device from a computer system

through employment of an identifier for the device that is unrecognizable to system utilities:

> According to the present invention a device is assigned
> a device name that is unrecognizable to system utilities. In
> such a fashion, the devices are inaccessible to anyone who does
> not know an identifier in the form of a path name. Also, the
> device is not listed on the desktop or with a list of accessible
> storage media for use with a graphical user interface (GUI).
> For example, in Windows NT ® Disk Administrator, the
> identifiers do not appear.

Shaath discloses the device that is inaccessible to anyone who does not know the

identifier for the device. Shaath discloses a user interface, of the existing file management

software, that does not list the identifier and therefore the user interface of Shaath is not

disclosed as allowing a user to access the device. Since Shaath discloses needing the

identifier that is not provided by the user interface of the existing file management software,

Shaath teaches away from using the user interface to access the device. Further, Shaath fails

to disclose a database that is accessible through the user interface, and fails to disclose access

to a database because the user interface hides the identifier from the user. Simply missing

from the Office Action's citation to Shaath is any mention of connecting the database to the

existing operating system and to the existing file management software on the computer

system, wherein the existing file management software is native to the existing operating

system.

So, the Office Action's citation to Shaath fails to satisfy at least one of applicant's

claim limitations.

The shortcomings of the Office Action's citations to Dunphy and Shaath relative to

certain elements of the claimed invention have been discussed above. The Office Action

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proposes a combination of the citations to Dunphy and Shaath with a citation to Samsung. However, the Office Action's citation to Samsung does not overcome the deficiencies of the Office Action's citations to Dunphy and Shaath. Applicant respectfully submits that the proposed combination of the Office Action's citation to Samsung with the Office Action's citations to Dunphy and Shaath fails to provide the required approach, assuming, *arguendo*, that the combination of the Office Action's citation to Samsung with the Office Action's citations to Dunphy and Shaath is proper.

Samsung (page 18) discloses a method for converting a hexadecimal string to a character string:

> The subroutine "hex2asciis" converts 8-bit binary data to two
> ASCII characters. It uses 7-bit ASCII in arguments.

Samsung discloses converting binary data into ASCII characters. Simply missing from the Office Action's citation to Samsung is any mention of connecting the database to the existing operating system and to the existing file management software on the computer system, wherein the existing file management software is native to the existing operating system.

So, the Office Action's citation to Samsung fails to satisfy at least one of applicant's claim limitations.

The shortcomings of the Office Action's citations to Dunphy, Shaath, and Samsung relative to certain elements of the claimed invention have been discussed above. The Office Action proposes a combination of the citations to Dunphy, Shaath, and Samsung with a citation to Kraig. However, the Office Action's citation to Kraig does not overcome the deficiency of the Office Action's citations to Dunphy, Shaath, and Samsung. Applicant respectfully submits that the proposed combination of the Office Action's citations to Dunphy, Shaath, and Samsung with the Office Action's citation to Kraig fails to provide the

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required approach, assuming, *arguendo*, that the combination of the Office Action's citations

to Dunphy, Shaath, and Samsung with the Office Action's citation to Kraig is proper.

Kraig (page 14, line 61 to page 15, line 2) discloses an algorithm for a Universally

Unique Identifier ("UUID"):

> In the DCE, RPCs needed to travel around large distributed
> networks knowing exactly what piece of code to call. The solution is
> the 16-byte Universally Unique Identifier (UUID) standard. A UUID
> is generated through an algorithm that uses a machine's unique 48-bit
> network adapter ID and the current date and time. Uniqueness in space
> and time means it will always produce a unique value.

Kraig discloses an algorithm that creates a UUID. Simply missing from the Office

Action's citation to Kraig is any mention of connecting the database to the existing operating

system and to the existing file management software on the computer system, wherein the

existing file management software is native to the existing operating system.

So, the Office Action's citation to Kraig fails to satisfy at least one of applicant's

claim limitations.

The Office Action's citations to Dunphy, Shaath, Samsung, and Kraig all fail to meet

at least one of applicant's claimed features. For example, there is no teaching or suggestion

in the Office Action's citations to Dunphy, Shaath, Samsung, or Kraig of connecting the

database to the existing operating system and to the existing file management software on the

computer system, wherein the existing file management software is native to the existing

operating system.

The shortcomings of the Office Action's citations to Dunphy, Shaath, Samsung, and

Kraig relative to certain elements of the claimed invention have been discussed above. The

Office Action proposes a combination of the citations to Dunphy, Shaath, Samsung, and

Kraig with a citation to Tristrata.

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data. Tristrata fails to disclose integration of a database with an existing file management system

for tracking and retrieving data.

Applicant respectfully submits that when undertaking an inquiry into the obviousness of

an invention, a determination must be made regarding whether, at the time the invention was

made, the invention would have been obvious to one of ordinary skill in the art to which the

subject matter of the invention pertains. Applicant strenuously traverses the §103 rejection on

the following bases:

> (1)   The justification in the Office Action for combining the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata does not identify any express teaching, suggestion, or incentive in the art for this combination;

> (2)   The justification in the Office Action for combining the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata is nothing more than hindsight reconstruction of the present invention, which is impermissible when formulating an obviousness rejection; and

> (3)   The prior art as a whole must be considered when formulating an obviousness rejection, and since Tristrata is directed to a different problem than that addressed by the present invention, the invention cannot be obvious from a combination of the Office Action's citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata.

First, the Office Action states (enumerated paragraph 3, page 4) as a justification to

combine the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata:

> At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Dunphy such that the file management software is native to the operating system. One of ordinary skill in the art would have been motivated to do this because it would provide complete integration with the operating system.

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This justification for combining the Office Action's citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata conspicuously fails to identify any express teaching, suggestion, or incentive in the art for making the combination.

It is well settled that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion that the combination be made. Either the Office Action must identify an express teaching, suggestion, or incentive in the art, or the Office Action must present a convincing line of reasoning as to why one skilled in the art would have found the claimed invention to have been obvious. Since no express teaching or suggestion in the art has been identified, attention must be turned to the reasoning to determine whether it is convincing regarding whether the invention is obvious

Second, in this regard, the justification is nothing more than hindsight restatement of the results of the present invention.

> One of ordinary skill in the art would have been motivated to do this because it would provide complete integration with the operating system.

This justification is tantamount to stating that "it would be obvious to modify A to have B because it provides A plus B." This line of reasoning cannot be considered "convincing," since it is settled that it is impermissible to simply engage in hindsight reconstruction of the claimed invention, using the claimed invention as a template and selecting elements to fill the gaps.

Further, since this justification is hindsight reconstruction of the results of the present invention, the Office Action's reasoning is actually using the present invention itself as a basis to combine the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata. This violates the settled principle that a motivation to combine references cannot come from the invention itself.

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Applicant respectfully submits that the claimed invention would not have been obvious, namely, no express teaching or suggestion in the documents for the combination has been identified, and further, the justification given in the Office Action for combining the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata is not convincing since it is nothing more than hindsight reconstruction of the present invention using pieces of the documents to fill the gaps.

Third, applicant respectfully submits that Tristrata when considered as a whole is not directed to the problem addressed by the present invention.

Tristrata is directed towards a security system for enterprise management:

> Now, Fortune 1000 companies can securely extend their enterprises to the Internet... (page 1, paragraph 1).

> The Tristrata System provides control over information based on dynamic rules designed to fit operational and information security policies specific to each company. Because the system is network-centric, all information access is automatically tracked to determine who is doing what, when, and where... (page 1, paragraph 2).

> The Tristrata Secure Information Management System 2.0 readily solves the security needs of mobile employees... (page 1, paragraph 4).

> The Tristrata System is based on an open cryptographic architecture, providing customers with a choice of algorithms to protect information, including Blowfish, CAST5, DES, RC4, Triple DES, and Tristrata's own Random KeyStream™ (RKS). Tristrata's technology incorporates a self-escrowed key-management infrastructure approved for global export by the U.S. Department of Commerce (page 2, paragraph 2).

In contrast, applicant's claim limitation connecting the database to the existing operating system and to the existing file management software on the computer system, wherein the existing file management software is native to the existing operating system in one example allows file storage and retrieval in a natural and logical manner.

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Therefore, Tristrata is directed to a significantly different problem than the claimed invention. Tristrata, when considered as a whole, is not directed to the problem of the present invention, and therefore should not be combined with the citations to Dunphy, Shaath, Samsung, and Kraig in the manner set forth in the Office Action.

Furthermore, the Office Action does not allege that the art of record provides any teaching, suggestion, or incentive for combining the citations to Dunphy, Shaath, Samsung, Kraig, and Tristrata to provide the claimed approach.
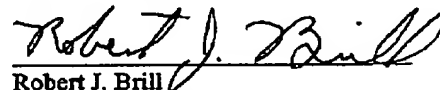
For all the above reasons, the independent claims presented herewith are believed neither anticipated nor obvious over the art of the record. The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

Withdrawal of the §103 rejection is therefore respectfully requested.

Pursuant to MPEP 706.07(c), it would be inappropriate to make an Office Action final should new references be applied in support of a rejection of any of claims 1, 3-4, or 6-8 since applicant has made no amendments to these claims to necessitate such a change of position. Since the last office action was made final, the application of new prior art in view of no new amendments to the claims by applicant should be made in a non-final office action.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,

Robert J. Brill
Attorney for Applicant
Reg. No. 36,760

Dated: August 3, 2004

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